

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

661E0676

HOUSE BILL NO. 1257

Introduced by: Representatives Van Gerpen and Michels and Senator Putnam

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the reimbursement of
2 attorney fees by certain indigent defendants.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23A-40-10 be amended to read as follows:

5 23A-40-10. If the court finds that funds are available for payment from or on behalf of a
6 defendant to carry out, in whole or in part, the provisions of this chapter, the court may order
7 that the funds be paid, as court costs or as a condition of probation, to the court for deposit with
8 the county or municipal treasurer, to be placed in the county or municipal general fund or in the
9 public defender fund in those counties establishing the office pursuant to subdivision
10 23A-40-7(1) as a reimbursement to the county or municipality to carry out the provisions of this
11 section. The court may also order payment to be made in the form of installments or wage
12 assignments, in amounts set by a judge of the circuit court or a magistrate judge, either during
13 the time a charge is pending or after the disposition of the charge, regardless of whether the
14 defendant has been acquitted or the case has been dismissed by the prosecution or by order of
15 the court. If the defendant fails to make payment as ordered by the court, the defendant may be

1 held in contempt of the court's order pursuant to § 16-15-6. The provisions of this section also
2 apply to persons who have had counsel appointed under chapters 26-7A, 26-8A, 26-8B, and 26-
3 8C. The reimbursement is a credit against any lien created by the provisions of this chapter
4 against the property of the defendant.